



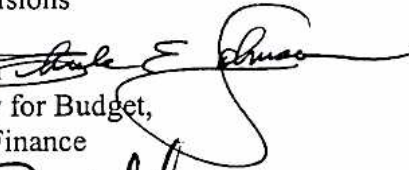
DEPARTMENT OF HEALTH & HUMAN SERVICES

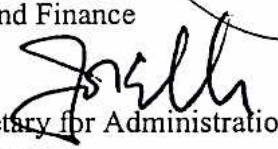
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MEMORANDUM TO: Heads of Operating Divisions
Heads of Staff Divisions

FROM: Charles E. Johnson 
Assistant Secretary for Budget,
Technology and Finance

Joe W. Ellis 
Assistant Secretary for Administration
and Management

SUBJECT: HHS Involvement in Conferences and Travel

This memorandum should call attention to OPDIV and STAFFDIV support of conferences. Conferences offer tremendous opportunities to inform and educate attendees and the public, share research findings or best practices, and receive important feedback and comments on Departmental programs and issues. Conferences are an important tool in the conduct of the Department's business. However, it is critical that OPDIVs and STAFFDIVs exercise diligent oversight of such conferences, in order to ensure that such support is an appropriate use of the federal dollars and to ensure that all such conferences are consistent with the mission of HHS.

In particular, because the function of conference planning and design is so diffuse, and is often led by non-Federal entities, there is a risk that conference agendas, materials and speakers could be at odds with the mission and priorities of HHS. Therefore, OPDIVs and STAFFDIVs must be particularly sensitive to their support of conferences as well as possible implications of such support. Safeguards must be taken to ensure that this support is at all times consistent with HHS missions, objectives and policies is an efficient and effective use of taxpayer funds, and is able to withstand public scrutiny.

Further, this memorandum emphasizes the following:

- OPDIV and STAFFDIV Heads should be actively involved in deciding when HHS will sponsor a conference, and should have management systems in place to oversee conference spending and involvement.
- Conference funding and sponsorship are not synonymous: although recipient organizations are required to bear acknowledgement of HHS funding support for a conference, such acknowledgement does not necessarily mean that HHS is a sponsor.

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- We must be protective of the HHS brand. OPDIV and STAFFDIV Heads must take special precautions to ensure that the use of HHS and OPDIV logos on conference materials is appropriate.
- OPDIV and STAFFDIV Heads must sign off on travel requests for conferences under specified circumstances.

To help you meet this high standard of accountability, guidance on HHS sponsorship of conferences, disclaimers, the use of HHS and OPDIV logos, and conference travel is set forth below.

I. Sponsorship

OPDIVs and STAFFDIVs must be particularly sensitive to the implications of conference sponsorship. Again, safeguards must be taken to ensure that sponsored conferences are consistent with HHS and Administration missions, objectives and policies. The funding of a conference through a grant, cooperative agreement or contract does not automatically imply HHS sponsorship.¹ Further, HHS staff attendance or participation at a conference does not imply HHS conference sponsorship. Prior to an entity claiming HHS or OPDIV/STAFFDIV sponsorship for a conference, a written request for "conference sponsorship" must be made to and approved by the OPDIV/STAFFDIV Head or designee(s). No later than February 17, 2006, OPDIV and STAFFDIV Heads should issue a memo to staff instituting this policy, and send a copy to the ASBTF and ASAM contacts listed at the end of this memo.

These are various ways HHS supports conferences:

- **Sponsoring a conference by contract.** A conference contract must comply with the Federal Acquisition Regulation and HHS Acquisition Regulation, not run afoul of lobbying prohibitions, and be consistent with guidance on the legitimate use of appropriated funds.
- **Entering into a Co-Sponsorship Agreement.** In entering into such a joint funding agreement with a non-Federal entity, OPDIVs must be mindful of prohibitions against augmentation of appropriations and ethics issues that may arise.
- **Sponsoring a conference by grant or cooperative agreement.** This is subject to statutes authorizing the conferences; OMB Circulars relating to allowable costs; and general grant administrative regulations.

In addition, HHS staff might participate directly in conferences independent of a decision on sponsorship, under the following circumstances:

- **OPDIV/STAFFDIV employees speaking in their official capacity at non-Federal conferences.** Such participation would be subject to GSA and HHS

¹ Of course, if a conference is funded entirely by HHS through a contractor, that conference will be considered to be sponsored by HHS. Unlike a grant or cooperative agreement, a contract is a vehicle for obtaining goods or services for the Department. Therefore, a conference that is put on entirely through a HHS contractor should be considered to be the same as a conference put on by HHS staff.

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travel regulations, conduct regulations issued by the Office of Government Ethics and HHS, and criminal statutory prohibitions against lobbying and the impermissible supplementation of salaries.

- **Serving as an exhibitor at a conference.** To have an informational booth, an OPDIV/STAFFDIV must have the authority to expend funds to develop and disseminate mission-related information.

In these cases, OPDIV and STAFFDIV Heads or designee(s) must take particular care to ensure that HHS staff involvement is appropriate. This means not only approving the role and content of the involved HHS staff, but also being aware of the entire agenda and broader context of the conference.

II. Disclaimer Language

Section 506 of the FY 2006 Labor/HHS Appropriations Act requires recipient organizations to disclose the funding source where a Federal Agency provides funding for conferences. Disclosure of this funding source **should not** imply endorsement of the conference content. To this end, OPDIVs/STAFFDIVs must ensure that recipient organizations include an appropriate funding disclosure and content disclaimer statement on conference materials. The Office of Grants, ASBTF and the Office of Acquisition Management and Policy, ASAM are currently working collaboratively to reassess the Department's applicable grant, cooperative agreement, and acquisition policies and will provide final policy revisions in the coming months.

However, while awaiting formal issuance of those revised policies, OPDIVs/STAFFDIVs should use the following disclaimer statements:

Where a conference is funded by a grant or cooperative agreement, OPDIVs/STAFFDIVs must ensure that the recipient includes the following statement on conference materials (including promotional materials, agenda, and Internet sites):

"Funding for this conference was made possible [in part] by [insert grant or cooperative agreement award number] from [insert name of OPDIV]. The views expressed in written conference materials or publications and by speakers and moderators do not necessarily reflect the official policies of the Department of Health and Human Services; nor does mention of trade names, commercial practices, or organizations imply endorsement by the U.S. Government."

Where a conference is funded under a contract, OPDIVs/STAFFDIVs must ensure that the contractor includes the following statement on conference materials:

"The views expressed in written conference materials or publications and by speakers and moderators at HHS-sponsored conferences, do not necessarily reflect the official policies of the Department of Health and Human Services; nor does mention of trade names, commercial practices, or organizations imply endorsement by the U.S. Government."

OPDIVs/STAFFDIVs should adhere to the directives above, except where adherence would be inconsistent with a program's statutory or regulatory requirements.

III. Logos

Appropriate use of the HHS and OPDIV logos on conference materials is of particular importance. Neither the HHS nor OPDIV/STAFFDIV logo should be displayed if it would cause confusion as to the source of the conference or give the false appearance of government endorsement. The Assistant Secretary for Public Affairs (ASPA) has responsibility for protecting the HHS brand, and has authority over use of the HHS logo. In coordination with ASBTF and ASAM, ASPA plans to issue guidance on the appropriate use of the HHS logo, including the approval process for use of the logo in conference materials.

OPDIVs/STAFFDIVs should be aware that a non-federal entity's unauthorized use of the HHS name or logo is governed by 42 U.S.C. § 1320b-10, which prohibits the misuse of, among other things, the HHS name and emblem in a written communication. The appropriate use of the HHS logo is subject to the review and approval of OASPA. Moreover, the Office of Inspector General has authority to impose civil monetary penalties for violations (42 Code of Federal Regulations Part 1003). In most instances, the use of an agency logo on conference materials will be governed by the applicable grant, cooperative agreement, contract, or co-sponsorship agreement. Other information pertaining to the use of HHS Logos may be found at:

http://webrequests.hhs.gov/cgi-bin/webrequests.cfg/php/enduser/std_alp.php?&p_cat_lv1=47

IV. Travel

In 2003, the Assistant Secretary for Administration and Management (ASAM) and the Director of the Office of Global Health Affairs (OGHA) established processes for reviewing and monitoring domestic and foreign travel, including travel to conferences. In addition to reviews, the Program Support Center's Division of Financial Operations (DFO) performs a 100 percent pre-payment audit of travel of non-career appointees and those in SES positions. For the remainder of the travelers, DFO performs random pre-payment audits on manual vouchers and random post-payment audits on manual and automated vouchers.

Domestic travel

The HHS review process requires that requests for domestic travel for groups of 20 or more employees, and for trips whose costs exceed \$2500 for one individual, be submitted (by the Operating Division Head or designee(s)) to ASAM for review. In addition, effective immediately any domestic travel for groups of five through 19 employees must be submitted to the OPDIV/STAFFDIV Head or designee(s) for approval. While awaiting formal issuance of revised Departmental travel policies, OPDIVs/STAFFDIVs should adhere to these revised travel policies.

Foreign travel

All foreign travel requests are to be submitted to OGHA for review through the Notification of Foreign Travel or NFT system. Requests must include information such as destination, justification for trip, cost and funding source.

HHS will continue to exercise strict internal controls over conferences to maintain adherence to tight budgeting guidelines.

Thank you in advance for ensuring that the responsible staff are made aware of and adhere to the safeguards provided in this memorandum. The Office of Grants, ASBTF and the Office of Acquisition Management and Policy, ASAM will transmit the abovementioned grant, cooperative agreement, contract, and travel policy revisions to the responsible OPDIV/STAFFDIV offices through appropriate channels.

If you have any questions regarding implementation of this directive as it applies to grant or cooperative agreement awards, please contact Betty Wu, Acting Deputy Assistant Secretary for Grants, ASBTF at (202) 690-6878 or betty.wu@hhs.gov. Questions regarding conferences funded under contracts should be directed to Marc Weisman, Deputy Assistant Secretary for Acquisition, Management and Policy, ASAM at (202) 690-8554 or marc.weisman@hhs.gov. Questions regarding a non-federal entity's request to use the HHS logo should be directed to Bill Hall, ASPA at (202) 690-6343 or bill.hall@hhs.gov.